

UNITED STATES GOVERNMENT

memorandum

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA

FILED
for Danville
MAY 12 2014

JULIA G. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

DATE May 2, 2014

REPLY TO

ATTN OF Kevin Krause
United States Probation Office - Orlando

SUBJECT: **Damian O Roberts** Docket Number 4:01CR70027-11
Response to Pro Se Motion for Early Termination of Supervised Release

TO: The Honorable Norman K. Moon
United States District Judge

COURT HISTORY:

On August 27, 2004, Damian O. Roberts, appeared before Your Honor, after pleading guilty to Count One: Conspiracy to Distribute and Possess with Intent to Distribute 50 Grams or More of Cocaine Base, a violation of 21 U.S.C. 846; Count Two: Distribution of Cocaine Base, a violation of 21 U.S.C. 841(a)(1); Count Four: Distribution of More Than 5 Grams of Cocaine Base, a violation of 21 U.S.C. 841(a)(1); Count Five: Distribution of More Than 5 Grams of Cocaine Base, a violation of 21 U.S.C. 841(a)(1); Count Six: Distribution of More Than 5 Grams of Cocaine Base, a violation of 21 U.S.C. 841(a)(1) and Count Nine: Distribution of More Than 5 Grams of Cocaine Base, a violation of 21 U.S.C. 841. Roberts was sentenced to 121 months on all counts, to run concurrently, to be followed by a 5-year term of supervised release on all counts, to run concurrently. Special conditions of substance abuse treatment, not possess firearms or destructive devices and search were ordered.

SUPERVISION HISTORY:

ON May 7, 2012, Roberts released from the custodial portion of his sentence, and Roberts reported to the United States Probation Office in Orlando, Florida. On May 14, 2012, Roberts was instructed from his Judgment in a Criminal Case by USPO John Celano. This officer would note that Roberts was previously instructed at the Orlando Dismas RRC on November 28, 2011. While in custody, Roberts DNA was collected in accordance with the Justice for All Act of 2004 on April 15, 2010. While in the custody of the Bureau of Prison, Roberts did participate in the RDAP program. On July 11, 2012, Roberts was enrolled in substance abuse treatment at a contract provider. On November 16, 2012, Roberts was successfully discharged from substance abuse treatment. All urinalysis during the term of supervised release have returned negative results.

Roberts has maintained steady employment with Sweetwater Carwash, 11301 W. Colonial Drive, Orlando, Florida 34761. Roberts has maintained fairly stable residences during the term of supervised release. During the Fall of 2012, Roberts enrolled at Valencia College, in Orlando, Florida for an Associate of Science degree in Business Management. Roberts is currently one to two semesters from completion of his degree program.

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On July 6, 2013, Roberts reported contact with law enforcement while submitting a written monthly report due to an argument with a female, a girlfriend. On September 11, 2013, the now ex-girlfriend filed a domestic injunction and a no-contact order was issued by Orange County Circuit Court.

On September 25, 2013, this officer made contact with Roberts at his residence of record. This officer reviewed at length the conditions of the protective order and instructed Roberts to have no contact with the female involved in the protective order. This officer advised Roberts that he should consider the Courage to Change Interactive Journaling System to assist with his relationship issues. From November 2013 through February 2014, Roberts completed multiple modules of the Interactive Journaling program, specifically, the Getting Started journal, the Self Control journal, and the Peer Relationship journal.

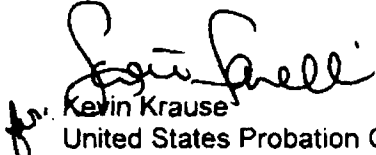
On April 16, 2014, this officer met with Roberts at his residence of record. He advised that he turned over his automobile to his creditors as he no longer wished to have the vehicle. In addition, Roberts continues to struggle between his school work and his employment with the carwash. Roberts acknowledged that the protective order will remain in effect through September 2014 and reports no contact with the ex-girlfriend.

A review of NCIC showed no new criminal arrests for Roberts. A review of other matters shows that Roberts is currently involved in child support matters with a dependent living in the State of Georgia. He continues to be actively monitored during supervised release via the ATLAS Supervised Release File (SRF) module in NCIC. Roberts continues to score Moderate on Post-Conviction Risk Assessments.

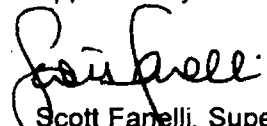
RECOMMENDATION:

Though Damian Roberts has not been involved in any new criminal activity, his supervision has not been without issues. At this time, given the active domestic protective order, an active child support matter, Robert's criminal history category III, and his risk level of moderate, the United States Probation Office would not recommend early termination from supervised release at this time. Should Damian Roberts complete his Associates Degree from Valencia College and maintain compliance during the continued term of supervised release, the Probation Office would be inclined to approve a Pro Se Motion at a later date.

Respectfully Submitted:


for Kevin Krause
United States Probation Officer
(407) 835-5858

Approved by:


Scott Fanelli, Supervisory
United States Probation Officer
(407) 835-5847

cc: Joseph C. Collins, CUSPO
Enclosures

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APPROVED:

United States District Judge

Date

DISAPPROVED:

Norma K. Moon
United States District Judge

5/12/14
Date

COMMENTS:

